

Abelson Herron Halpern LLP  
333 South Grand Avenue, Suite 1550  
Los Angeles, California 90071-1559  
(213) 402-1900 – telephone  
(213) 402-1901 – facsimile  
www.abelsonherron.com

**Michael Bruce Abelson, Partner**  
(213) 402-1902 – direct dial  
mabelson@abelsonherron.com

July 30, 2018

**VIA ECF**

The Honorable Paul A. Crotty  
United States District Court Judge  
Southern District of New York  
500 Pearl Street, Chambers 1350  
New York, New York 10007

Re: *Federal Insurance Company, et al. v. Weinstein, 1:18-cv-02526-PAC*  
*Status Conference Update/Recap – August 1, 2018 at 11:15 a.m.*

Dear Judge Crotty:

In preparation for the Court's Status Conference on Wednesday, August 1, 2018 at 11:15 a.m. in Courtroom 14-C, the following summary recaps the current state-of-affairs (by party) with a view of the road ahead:

**Plaintiffs (Chubb Insurers) and Defendant Harvey Weinstein**

Plaintiffs' coverage action against Mr. Weinstein was originally filed on February 28, 2018 in New York's Supreme Court, and removed to this Court. See ECF Dkt. #1. In response, Defendant Weinstein filed a separate Answer and Counterclaim. See ECF Dkt. # 21, 22. Those pleadings were then amended and unified. See ECF Dkt. # 30. Plaintiffs Answered Mr. Weinstein's Counterclaim on June 7, 2018. See ECF Dkt. #47.

- **Motion to Stay.** Defendant Weinstein filed a Motion to Stay all proceeding on July 16, 2018 based upon: (a) the filing of a criminal action and subsequent

indictment of Mr. Weinstein,<sup>1</sup> and (b) the fact that liability issues driving coverage will be determined in a series of underlying civil actions. See ECF Dkt. # 68-69; #83 (re-filed Motion); #84 (Memo of Law); #85 (Brafman Decl.); #86 (Abelson Decl.).

Opposition to Mr. Weinstein's Stay Motion is due August 2, 2018. Any Reply is to be filed by August 14, 2018. No hearing date has been set for Defendant's Stay Motion.

- **Summary Judgment Motion.** Plaintiffs are slated to file a MSJ on July 31, 2018. Opposition to that Motion is due August 22, 2018. Any Reply is to be filed by September 7, 2018. No hearing date has been set for Plaintiffs' Motion.

Pending Defendant Weinstein's receipt and review of the Chubb Insurer's MSJ papers, Defendant may seek discovery pursuant to FRCP 56(d), with attendant time to allow such discovery to take place. As necessary, a letter request will be submitted to the Court addressing Defendant's discovery needs and timing.

### **Third Party Plaintiff Weinstein and National Union**

Mr. Weinstein's Third Party Complaint naming National Union Fire Insurance Company of Pittsburgh, PA ("National Union") was originally filed on May 8, 2018. See ECF Dkt. # 25. No responsive pleading has been filed by National Union. Instead, proceedings have been stayed to allow the parties to complete non-binding mediation. See ECF Dkt. # 59 (Order granting stay request).

### **Third Party Plaintiff Weinstein and Chubb (Europe)**

Mr. Weinstein's First Amended Third Party Complaint naming Chubb Insurance Company of Europe S.A. ("Chubb (Europe)") was filed on June 1, 2017. See

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<sup>1</sup> See People of the State of New York against Harvey Weinstein, Supreme Court of the State of New York, County of New York, Docket # 2018 NY023971.

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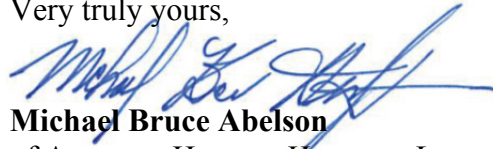
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ECF Dkt. # 39. By order, Chubb (Europe's) response date was extended to August 15, 2018 to allow for consideration and disposition of Mr. Weinstein's pending Motion to Stay. See ECF Dkt. # 71 (Order granting extension request). If that Motion is unsuccessful, Chubb (Europe) contemplates filing a motion to dismiss Mr. Weinstein's First Amended Third Party Complaint. See id. In light of the unresolved status of Defendant's Motion to Stay, a further extension of Chubb (Europe's) response date may be sought.

\* \* \* \* \*

Representatives for Mr. Weinstein will be present in Court on Wednesday to answer any questions, and to address issues of concern to the Court.

Very truly yours,



**Michael Bruce Abelson**  
of ABELSON HERRON HALPERN LLP  
*Counsel for Defendant, Counterclaimant and  
Third-Party Plaintiff*  
Harvey Weinstein

cc: All Counsel (by ECF)